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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/823,878

04/14/2004

Joseph Vogrig

78592

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22242

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07/03/2006

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EXAMINER

POLLICOFF, STEVEN B

ART UNIT

PAPER NUMBER

3728

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/823,878	Applicant(s) VOGRIG ET AL.	
	Examiner Steven B. Pollicoff	Art Unit 3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-12, 18-20 and 22-27 is/are rejected.
- 7) ☒ Claim(s) 7, 13-17, 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/3/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6,8,9,12,18-20 rejected under 35 U.S.C. 102(b) as being anticipated by Blacket et al., (US Pat 6,116,835).

With respect to claims 1-4,9,12 Blacket discloses a fastener holder and system comprising a plurality of fasteners/elongated elements (i.e. rivets; see Blacket abstract; see also column 1, lines 10 –12) each including an enlarged, preformed head at one end thereof (Fig 20 reference number 20); a unitary plate body with a predetermined thickness (100) forming a plurality of apertures configured for retaining the rivet heads therein; and integral drive heads (102,103) associated with /overlying each of the plate apertures and including at least one frangible portion (104,105) integrally connected to the drive heads for releasably connecting the drive head with the plate body to allow the drive heads to be driven relative to the plate body to push the rivet heads out from the apertures (column 5, lines 26-28).

With respect to claim 5, Blacket discloses that the drive heads have substantially aligned top surfaces that are capable of allowing for compact stacking with drive head top surfaces from one rivet holder securely engaged against drive head top surfaces from another rivet holder (see Fig 21 generally).

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With respect to claim 6, Blacket discloses that the plate includes portions above and generally below heads of the rivets in the apertures to capture the heads therein (Fig 21).

With respect to claim 8, Blacket discloses that the unitary plate includes a plurality of unitary plates interconnected in a strip by frangible bridges (Fig 17 reference number 97) between adjacent plates.

With respect to claim 18, Blacket discloses that the plate includes a substantially flat upper surface and the drive heads project upwardly above the plate upper surface for being engaged by a driver tool (Fig 21).

With respect to claim 19, in as much as Applicant discloses, Blacket discloses that the rivet heads include a top surface that does not project above the plate top surface when the rivet head is punched through the plate body.

With respect to claim 20, Blacket discloses that the drive heads each include an upper portion sized in interference with the associated aperture to keep the drive head from passing therethrough (Fig 20). If the punch (109) were to press the drive heads directly down (as opposed to outwardly), the upper portions are sized such that they could not pass through the aperture.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blacket et al., (US Pat 6,116,835).

With respect to claim 10, official notice is taken that it is old and conventional to provide a guide block with guide bores to align and position fasteners/various fastener holders over an object that is to be pierced/held by the fastener. Therefore, it would have been obvious in view of the official notice to provide a guide block having guide bores to allow for efficient alignment of fasteners/fastener holders over objects to be held by the fasteners (i.e. belts and belt fasteners).

With respect to claim 11, it would have been an obvious matter of design choice to size a guide block to fit/align a particular fastener holder for a given application, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955). With respect to the plate body including a plurality of plate bodies connected in a strip, Blacket discloses that a plurality of plate bodies is connected in strip (Fig 2).

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Claims 22 and 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blacket et al., (US Pat 6,116,835) as applied to claim 9 above and further in view of Francois (US Pat 3,990,343).

With respect to claim 22, Blacket does not disclose that the rivets each include a pilot nail detachably connected thereto. However, Francois discloses rivets with pilot nails to facilitate entry of the rivet into a belt (Francois abstract and Fig 2 reference number 44). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the rivet of Blacket with the rivet with pilot nail, as taught by Francois, for the purpose of having a rivet capable of penetrating a belt if the user so desired.

With respect to claim 23, official notice is taken that it is old and conventional to provide a guide block with guide bores to align and position fasteners/various fastener holders over an object that is to be pierced/held by the fastener. Therefore, it would have been obvious in view of the official notice to provide a guide block having guide bores to allow for efficient alignment of fasteners/fastener holders over objects to be held by the fasteners (i.e. belts and belt fasteners).

Claims 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blacket et al., (US Pat 6,116,835) in view of Halstead (US Pat 3,432,985).

With respect to claim 24, Blacket does not disclose that the plate is made of a plastic material that is molded with the rivets in place. However, Halstead discloses placing elongated elements (such as nails, pins and the like) in a mold, forming a unitary plate-type body of plastic material (Halstead Figs 4 and 5) so that the elongated

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elements are already packaged and aligned to be fed into a nail gun. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the Bracket plate body formed in a mold with the fasteners/rivets in place for more efficiently aligning or feeding the rivets into guide bores.

With respect to claims 25-27, Bracket discloses releaseably capturing heads of rivets by plastic material (Bracket Fig 20) and that the rivet holder body is formed as a unitary plate-type body (Fig 2). Bracket does not disclose placing rivets in a mold, forming a body of plastic material around the rivets, and forming drive heads overlying the rivet heads. However, Halstead discloses placing elongated elements such as nails, pins and the like in a mold, forming a body of plastic material around those members (Halstead Fig 3 and 4). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the method of Halstead to form the plastic body and drive heads around rivets, as taught by Bracket, to provide greater fastener variety for fastener strip users and for more efficiently aligning or feeding the rivets into guide bores.

Claims 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halstead (US Pat 3,432,985) in view of Bracket et al., (US Pat 6,116,835).

With respect to claims 25 and 27, Halstead discloses placing elongated elements (such as nails, pins and the like) in a mold for forming an elongated element (i.e. fastener) holder, forming a unitary plate-type body of plastic material (Halstead Figs 4 and 5) in the mold and releaseably capturing heads of the elongated elements by plastic material (Halstead column 1, lines 14-25). Although Halstead discloses a plastic holder

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for elongated members such as mails, pins and the like, Halstead does not specifically disclose that the plastic material holds rivets. However, Blacket discloses a unitary plate-type body for holding elongated elements/fasteners such as pins, screws or the like where the term "fastener" includes rivets (Blacket column 1, line 10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the elongated elements of Halstead with rivets, as taught by Blacket, to provide greater fastener variety for fastener strip users.

Allowable Subject Matter

Claims 7,13-17 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 attached below.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Pollicoff whose telephone number is (571)272-7818. The examiner can normally be reached on M-F: 7:30A.M.-4:00P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571)272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

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applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

[Signature] 6/26/16
SBP

[Signature]
JILA M. MOHANDESI
PRIMARY EXAMINER